

Law Offices of Ariel Strauss  
Ariel Strauss (Cal. Bar No. 232280)  
92 Pine Hill Dr., El Sobrante, CA 94803  
ariel@alegal.info  
(310) 709-1213

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

STEPHEN KIRBY, an individual,

Petitioner,

vs.

CITY OF SAN MATEO, by and through the  
CITY COUNCIL OF THE CITY OF SAN  
MATEO; MATT FABRY, an individual, in  
his capacity as the Director of the Public  
Works Department of the City of San Mateo;  
and the SUSTAINABILITY &  
INFRASTRUCTURE COMMISSION OF  
THE CITY OF SAN MATEO,

Respondents,

CROWN CASTLE FIBER LLC, a New York  
limited liability company; and VERIZON  
WIRELESS,

Real Parties in Interest.

Case No. 3:25-cv-06165-JD

**PROPOSED ORDER**

*[Removed from the Superior Court of the State of  
California, County of San Mateo (Case No. 25-  
CIV-04679)]*

Complaint Filed: June 20, 2025

Hearing Date: September 18, 2025

Time: 10:00am

Judge: Hon. James Donato

Ctrm: 11

Trial: TBD

**[PROPOSED] ORDER**

After considering the Defendants/Real Parties in Interest Crown Castle Fiber LLC and GTE Mobilnet of California Limited Partnership d/b/a Verizon Wireless's Motion to Dismiss Petitioner Stephen Kirby's ("Petitioner") Verified Petition for Writ of Mandate, Petitioner's Memorandum of Points and Authorities in Opposition to Motion to Dismiss and the other papers submitted and oral argument presented by counsel, and good cause appearing, it is hereby

ORDERED THAT:

Defendants Crown Castle and Verizon's Motion is DENIED.

Date: \_\_\_\_\_

JAMES DONATO

\_\_\_\_\_  
United States District Judge